

U.S. Department of Justice



MEMO ENDORSED *United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

December 16, 2022

BY ECF

Honorable Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12-19-2022

Re: *MAZON: A Jewish Response to Hunger, et al., v. U.S. Dep't of Health and Human Services, et al.*, 21 Civ. 475 (LAK)

Dear Judge Kaplan:

This Office represents the defendant federal agencies and government officials sued in their official capacities (together, the “government”) in this action. I write jointly with the plaintiffs’ counsel to respectfully request that the existing stay of all proceedings, *see* ECF Nos. 72, 76, be extended from today, December 16, 2022, through and including February 17, 2023, to allow the government to continue its consideration of whether to revise the rule challenged in this action.

As noted in the parties’ prior letters, the government remains engaged in an interagency process to consider possible revision of the rule challenged in this litigation. In June, the agencies submitted a proposed notice to the Office of Information and Regulatory Affairs within the White House Office of Management and Budget. Since the parties’ last status update in September, OIRA has completed its review. The agencies now intend to publish a notice of proposed rulemaking. Additional information is publicly available at <https://www.reginfo.gov/public/do/eoDetails?rrid=251511>.

In light of the government’s ongoing consideration, the parties respectfully request the Court extend the stay in this action—including all briefing dates, as reflected in the operative scheduling order, ECF No. 68—through and including February 17, 2023. The parties further propose that they file a status report by the same date that proposes any next steps in the litigation, including, if necessary, a revised briefing schedule on any dispositive motions.

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We thank the Court for its attention to this matter.

Respectfully submitted,

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Granted

SO ORDERED

LEWIS A. KAPLAN, USDJ

12/19/22